

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-12 are currently pending in this application. In the Office Action, the Examiner rejected Claims 1-12 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2005/0182850 to *Kohno*.

Regarding the rejection of independent Claim 1 under 35 U.S.C. §102(e), the Examiner contends that *Kohno* teaches or suggests each and every element of the claim.

Independent Claim 1 recites a method for transferring connectionless-oriented data packets between systems connected to each other through shared media. A Sender Report (SR) packet, which includes information representing transmission data packets, is periodically transferred from a transmitting side. It is determined if data packets are lost based on the information of the SR packet. A Receiver Report (RR) packet, which includes information about a received data packet, is transferred to the transmitting side. A Negative Acknowledgement (NACK) packet, which includes information relating to the received data packet, is periodically transferred if lost packets exist after the receiving side polls a receiver window. A Negative Acknowledgement Reply (NACKR) packet, which includes the lost data packets based on information of the NACK packet, is transferred to the receiving side.

Kohno describes an RR and an SR sent under a Real-Time Control Protocol (RTCP), which allow a sender server and a receiver terminal to conduct a dynamic data transfer reflecting network status or in keeping with the status of the receiver terminal. *Kohno* also describes a repeat request NACK packet. In response to the NACK packet, an error processing unit retrieves data containing the packets to be repeated, and transmits the retrieved data.

Claims 1-12 have been amended in order to further distinguish the claims over the prior art. More specifically, independent Claim 1 has been amended to more clearly set forth that connectionless-oriented data packets are transferred to and from Reliable Unicast and Multicast Protocols (RUMP) of packet transmitting and receiving systems on a layer between a transfer layer and an application layer of the systems.

Kohno discloses RR, SR and NACK in an RTCP, and fails to disclose the transfer of connectionless-oriented data packets. *Kohno* also fails to disclose that packet transmission occurs between RUMPs on a layer between a transfer layer and an application layer.

Accordingly, since *Kohno* fails to teach or suggest the limitations of amended Claim 1, we believe the Examiner's rejection of Claim 1 under §102(e), in light of the amendments, should be withdrawn.

Independent Claim 6, also rejected under §102(e), has been amended to more clearly set forth that the apparatus is disposed in a layer between the transfer layer and the application layer of the systems for communication of connectionless-oriented data packets. Accordingly, we believe that amended Claim 6 is now allowable for at least the reasons provided above with respect to amended Claim 1.

While not conceding the patentability of dependent Claims 2-5 and 7-12, per se, we believe Claims 2-5 and 7-12 would be patentable at least by virtue of their dependency from independent Claims 1 and 6. Thus, Applicants respectfully request withdrawal of the §102(e) rejection of Claims 1-12.

Accordingly, all of the claims pending in the Application, namely, Claims 1-12, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul J. Farrell", written over a horizontal line.

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